

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6779

BILL NUMBER: SB 489

NOTE PREPARED: Feb 21, 2013

BILL AMENDED: Feb 21, 2013

SUBJECT: Certification Forms Before an Abortion.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill requires that the written certification required of a pregnant woman before undergoing an abortion must be on a form developed by the Indiana State Department of Health (ISDH).

The bill requires the ISDH to develop an informed consent brochure and post the brochure on the ISDH website. The bill requires the abortion provider to distribute the brochure to a patient in color and with specified information included on the back cover.

The bill requires the abortion provider to be the one to perform pre-abortion fetal ultrasound imaging and auscultation of the fetal heart tone.

The bill provides that if the pregnant woman does not want to listen to the auscultation of the fetal heart tone, she must certify that in writing on a form developed by the ISDH.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Summary:* The bill would require the ISDH to develop a form that is to be used to certify that specified actions have occurred prior to the performance of an abortion. Assuming that the ISDH would develop the form and post it on the ISDH web site for the use of providers, this requirement should be able to be met within the current level of resources available to the ISDH.

(Revised) *Informed Consent Brochure:* An estimate based on the experience of the Texas Department of State

Health Services in implementing a similar requirement indicates that approximately \$5,100 to \$20,100 may be necessary for the ISDH to develop the required written information and post it to the ISDH web page. If acceptable color photographs or drawings can be used at no cost, the cost may be approximately \$5,100.

The additional funds and resources required could be supplied through existing staff and resources currently budgeted in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

(Revised) *Additional Details:* The bill requires specified written information to be developed by the ISDH that is to be provided as a part of the informed consent brochure to be given to a pregnant woman. (Current law requires the ISDH to provide Internet links to the same information.) The bill requires the brochure be available on the ISDH web site. The information to be in the document includes the following: scientific information regarding the development of a fetus, including color pictures of every two weeks of gestational age; medically accurate information regarding the medical risks associated with abortion and childbirth; information regarding assistance for pregnancy and childbirth; information regarding a biological father's obligation to pay child support; information regarding Indiana's Safe Haven Law; and information regarding telephone 211 dialing for accessing human services and the types of services available through the 211 service. The ISDH currently provides links to various web sites that provide the required information and more at: <http://www.in.gov/isdh/25199.htm>

(Revised) The state of Texas enacted a similar requirement in 2003. The Texas Department of State Health Services estimated that 160 hours were used to assemble the initial document with the required information. Texas personnel suggested that by using the Texas template that the ISDH could reduce the amount of time required to assemble all the required information. The Texas document is copyrighted. If 160 hours were required to assemble the information and write the document, using an average total cost of \$32 per hour, assembling a booklet would be anticipated to cost approximately \$5,100. The ISDH could potentially contract for this work if no in-house staff is available.

(Revised) The bill requires that the ISDH is to include objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two weeks of gestational age and must include color pictures that are available at no cost or low cost. The Texas Department of State Health Services reported that the color photographs used to illustrate the required two-week development phases of the embryo and fetus are copyrighted and cost \$15,000 for the original version. The availability of other drawings or photographs that meet the requirements of the bill is not known at this time. Web searches for the required series of developmental images show copyrighted information.

(Revised) The bill requires the providers to supply the brochure by downloading the document from the ISDH web site and printing the brochure in color so the state would have no printing or distribution costs.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: ISDH, Commission on Public Records.

Local Agencies Affected:

Information Sources: (Revised) Texas Department of State Health Services and Texas Women's Right to Know web page at: <http://www.dshs.state.tx.us/wrtk/default.shtm>. Accessed on 1/11/2013.

Fiscal Analyst: Kathy Norris, 317-234-1360.